

REMARKS

Summary Of Office Action

Claims 1-51 are pending. The Examiner rejected claims 1-51 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie et al. U.S. Patent No. 5,850,218 (hereinafter "LaJoie") in view of Yuen et al. U.S. Patent No. 6,239,794 (hereinafter "Yuen").

Summary Of Applicants' Reply

Applicants' have cancelled claims 37-51 without prejudice. The Examiner's rejection is respectfully traversed.

Applicants' Reply To The Rejection Of Claims 1-36 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-36 under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Yuen. The rejection of claims 1-36 is respectfully traversed.

As set forth in independent claims 1, 13, and 25, applicants' invention is directed towards an interactive television program guide that simultaneously displays (a) a program list that contains multiple program listings, that only contains program listings of programs that are currently being broadcast, and that has a highlight region for highlighting a given one of the program listings, (b) a video window that contains an unobstructed view of a television program, and (c) a

detailed program description of the highlighted program listing. The user is allowed to position the highlight region only among the program listings for programs that are currently being broadcast. When the highlight region is positioned on a new program listing, the detailed program description is automatically updated to correspond to the new program listing while the television program in the video window is unchanged.

LaJoie refers to a cable television system with an interactive program guide. The interactive program guide simultaneously displays (a) a navigable program grid that contains programs that are currently being broadcast, programs that have been broadcast earlier, and programs that will be broadcast in the future (b) a program cursor for highlighting any one of the programs in the program grid, (c) a program viewing window, and (d) a highlighted program summary which includes a brief description (see column 23, line 44 to column 24, line 15 of LaJoie). Through user navigation of the program cursor, the program summary is updated with information for the program highlighted by the program cursor.

The Examiner contends that LaJoie refers to displaying "a program list that contains multiple program listings, that only contains program listings for programs that are currently being broadcast" Office Action, page 2, lines 16 and 17. However, as discussed above, LaJoie shows displaying a navigable program grid that contains programs that are currently being

broadcast, programs that have been broadcast earlier, and programs that will be broadcast in the future. Applicants submit that LaJoie fails to show or suggest displaying a navigable program grid that only contains programs that are currently being broadcast. Indeed, the very purpose of a program grid is to show programs on during multiple time periods - not just programs currently being broadcast.

The Examiner correctly notes that LaJoie does not show "means for allowing the user to position the highlight region only among the program listings for programs that are currently being broadcast" Office Action, page 3, lines 7 and 8. The Examiner contends, however, that this deficiency in LaJoie can be made up with Yuen.

Yuen relates to a method and system for simultaneously displaying a television program and information about the program. Yuen shows several formats of a tripartite electronic television program guide. The tripartite electronic television program guide includes a program schedule area, an area for a brief program description of a highlighted program, and a picture-in-picture (PIP) window.

In the description of the "NOW" guide referred to by the Examiner, Yuen says "moving real time images of the current television program highlighted by cursor 48 are displayed in PIP window 42 and a brief program description of the highlighted program is displayed in area 44" (Yuen, column 5, lines 45-48)

(emphasis added). This is in stark contrast to applicants' invention as defined by claims 1, 13, and 25, in which when a highlight region is positioned on a new program listing, the television program in the video window is unchanged.

The Examiner, in the rejection of claims 1-36, has selectively taken one feature of the "NOW" guide of Yuen (i.e., displaying a program schedule area that includes listings of television programs being broadcast at the current time) and applied it to LaJoie. In doing so, the Examiner has disregarded Yuen's teaching of displaying real time images in the PIP window of the television program highlighted by a cursor in the "NOW" guide. This teaching of Yuen is in contrast with LaJoie. Therefore, there is no teaching or motivation to combine or modify LaJoie with only the feature of displaying a program schedule area that includes listings of programs being broadcast at the current time when Yuen also shows that the "NOW" guide operates by displaying real time images in the PIP window of the television program highlighted by a cursor in the "NOW" guide. For this reason alone the rejection of claims 1-36 must be withdrawn.

Furthermore, even if all of applicants' claimed features were taught by the LaJoie/Yuen combination as the Examiner suggests, the obviousness rejection must still be withdrawn because the Examiner has failed to provide support for modifying LaJoie with Yuen. See In re Rouffet, 47 U.S.P.Q.2d

1453, 1456 (Fed. Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references.") See also MPEP §§ 2142 and 2143.01. It is well-settled that an Examiner can "satisfy this burden only by showing some objective teaching . . . that would lead [one of ordinary skill in the art] to combine the relevant teachings of the references." In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (emphasis added).

Instead of providing an objective teaching of a motivation to combine LaJoie and Yuen, however, the Examiner merely concludes that it would have been obvious to combine LaJoie and Yuen to obtain the "convenience" and "additional feature" of applicants' novel approach:

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide system with Yuen's disclosed technique of including "means for allowing the user to position the highlight region only among the program listings for programs that are currently being broadcast" in order to provide user a convenient and additional feature in browsing and selecting a currently broadcasting program while scanning or searching through the program listing at a current time as preferred.

Office Action, page 3, lines 13-19. But such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000).

The Examiner fails to point to any objective teaching or evidence that would motivate one of ordinary skill in the art to combine the references. Without objective evidence of a motivation to combine, the obviousness rejection is the "essence of hindsight" reconstruction, the very "syndrome" that the requirement for such evidence is designed to combat, and insufficient as a matter of law. Id. at 1617-1618. For this reason alone the rejection of claims 1-36 must be withdrawn. Gambro Lundia AB v. Baxter Healthcare Corp., 42 U.S.P.Q.2d 1378, 1383 (Fed. Cir. 1997).

New Claims 52-54

Applicants have added new claims 52-54 to further define the invention. Claims 52-54 add no new matter and are fully supported by the specification and drawings.

Claims 52-54 are directed to a feature of applicants' invention that allows the program listings to be browsed in more than one way. By using different keys or sets of keys on the remote control, the user is able to determine whether or not the program displayed in the video window is updated to correspond with the highlighted program listing. This feature is supported by the specification at page 15, line 11 thru page 16, line 28:

As the user changes the position of highlight region 80 with cursor keys 54 [up and down cursor keys 54a and 54b] or numeric keys 60, the content of video window 76 does not change. . . . If a user who is browsing the program listings in list 74 becomes interested in a

particular program, the user can direct the program guide to update video window 76 to display the video for that program. For example, if the user becomes interested in the program on channel 19 after reading its description, the user may press a key such as select key 58. . . . Another way in which to bring the content of video window 76 into synchronization with highlight region 80 is to use channel up and down keys 52 (FIG. 4). For example, if the user has highlighted channel 19 while video window 76 is tuned to channel 17, as shown in FIG. 6, subsequently pressing the channel up key 52 (FIG. 4) causes the program guide to move highlight region 80 from the channel 19 program listing (Classic Arts Showcase) to the channel 18 program listing (Original Gangstas), as shown in FIG. 8. At the same time, the program in video window 76 is replaced with the program for channel 18, matching the program highlighted by highlight region 80 and thereby synchronizing video window 76 and highlight region 80.

As described above, the up and down cursor keys and the channel up and down keys serve as two means of browsing the program guide. Using one set of keys holds the program displayed in the video window constant, while the other set of keys allows the user to update the video window to correspond with the highlighted program listing.

Neither LaJoie, nor Yuen, show applicants' novel feature of providing the user with the means to choose how the video window operates based on which set of remote control keys the user chooses to browse the interactive television program guide. Yuen describes updating the program in the PIP window to correspond with the highlighted program listing in the "NOW" guide format (see column 5, lines 45-48 of Yuen). LaJoie states that the program viewing window "displays a reduced size display of the normal television display so that the program being viewed

prior to entering the program guide may continue to be viewed while in the guide" (see column 23, lines 56-59 of LaJoie). Neither reference shows or suggests offering the user a choice in whether or not the video display window is updated to correspond with the highlighted program listing (determined by which set of remote control keys is used to scroll through the program guide), as defined by claims 52-54.

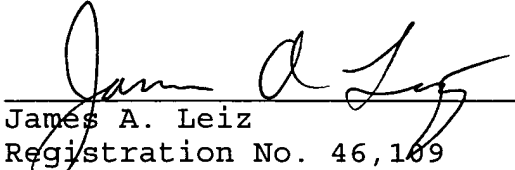
Furthermore, no motivation is present to combine the two references to produce such a feature. In fact, the reasoning discussed by LaJoie of allowing the user to continue viewing the program being watched when the user entered the guide teaches away from updating the video window to correspond with the highlighted program listing. Therefore, LaJoie and Yuen, taken alone or in combination, do not show or suggest the features of claims 52-54. Thus, claims 52-54 are in condition for allowance.

Conclusion

In view of the foregoing, claims 1-36 and 52-54 are in condition for allowance. This application is therefore in

condition for allowance. Reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,



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APPENDIX
(Showing New Claims 52-54)

52. (New) The interactive television program guide system defined in claim 1 wherein the means for allowing the user to position the highlight region further comprises:

means for allowing the user to position the highlight region in the program list with a first set of remote control keys, wherein when the first set of remote control keys is used to position the highlight region on a new program listing, the detailed program description is updated to correspond with the highlighted program listing while the television program displayed in the video window remains unchanged; and

means for allowing the user to position the highlight region in the program list with a second set of remote control keys, wherein when the second set of remote control keys is used to position the highlight region on a new program listing, both the detailed program description and the television program displayed in the video window are updated to correspond with the highlighted program listing.

53. (New) The method defined in claim 13 wherein allowing the user to position the highlight region further comprises:

allowing the user to position the highlight region in the program list with a first set of remote control keys, wherein when the first set of remote control keys is used to position the highlight region on a new program listing, the detailed program description is updated to correspond with the highlighted program listing while the television program displayed in the video window remains unchanged; and

allowing the user to position the highlight region in the program list with a second set of remote control keys, wherein when the second set of remote control keys is used to position the highlight region on a new program listing, both the detailed program description and the television program displayed in the video window are updated to correspond with the highlighted program listing.

54. (New) The interactive television program guide system defined in claim 25 wherein allowing the user to position the highlight region further comprises:

allowing the user to position the highlight region in the program list with a first set of remote control keys, wherein when the first set of remote control keys is used to position the highlight region on a new program listing, the detailed program description is updated to correspond with the highlighted program listing while the television program displayed in the video window remains unchanged; and

allowing the user to position the highlight region in the program list with a second set of remote control keys, wherein when the second set of remote control keys is used to position the highlight region on a new program listing, both the detailed program description and the television program displayed in the video window are updated to correspond with the highlighted program listing.